

## **REMARKS**

### **Rejections**

#### ***Rejections under 35 U.S.C. § 112***

Claims 47, 48, 51, 52, 59 and 60 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Applicant has amended the claims to claim a user input device and certain embodiments of such a user input device. The amendments are supported in the specification at page 12, lines 16-27. Accordingly, Applicant respectfully requests the withdrawal of the rejection of the claims under 35 U.S.C. § 112, first paragraph.

#### ***Rejections under 35 U.S.C. § 102***

Claims 11-18, 21-30, 36, 37, 46, 50 and 58 stand rejected under 35 U.S.C. § 102(e) over U.S. Patent 6,725,461 to Dougherty. Dougherty's effective filing date is April 30, 1998. Applicant is enclosing herewith a declaration under 35 U.S.C. § 1.131 signed by all of the inventors. The inventors declare that their invention was conceived of prior to Dougherty's effective filing date, and that reasonable diligence was taken in constructively reducing the invention to practice between the date of conception and the filing date of the present application.

Accordingly, Dougherty cannot be properly considered as prior art to Applicant's invention, and Applicant respectfully requests the withdrawal of the rejection of claims 11-18, 21-30, 36, 37, 46, 50 and 58 under 35 U.S.C. § 102(e) over Dougherty.

#### ***Rejections under 35 U.S.C. § 103***

#### **Claims 31, 32, 43-45, 49 and 57**

Claims 31, 32, 43-45, 49 and 57 stand rejected under 35 U.S.C. § 103(a) over Dougherty in view of U.S. Patent 5,699,107 to Lawler et al. Claims 31, 32, 43-45, 49 and 57 depend from one of independent claims 11, 21 or 57. Dougherty is not prior art to Applicant's invention. Applicant respectfully submits that Lawler alone does not anticipate Applicant's invention as claimed in claims 11, 21 and 57, and thus cannot be properly interpreted as rendering obvious the dependent claims. Accordingly, Applicant

respectively requests the withdrawal of the rejection of claims 31, 32, 43-45, 49 and 57 under 35 U.S.C. § 103(a).

**Claims 47, 48, 51, 52 59 and 60**

The Examiner stated that claims 47, 48, 51, 52, 59 and 60 are anticipated under 35 U.S.C. § 102(e) by Dougherty. The Examiner also stated that the claims stand rejected under 35 U.S.C. § 103(a) over Dougherty in view of U.S. Patent 6,437,836 to Huang, and over Dougherty and Huang in view of Official Notice. Claims 47, 48, 51, 52, 59 and 60 depend from one of independent claims 11, 21 or 57.

Dougherty is not prior art to Applicant's invention therefore the rejection of claims 47, 48, 51, 52, 59 and 60 under 35 U.S.C. § 102(e) is moot.

Huang does not disclose all the elements of claims 11, 21 and 57, and therefore, Huang alone cannot render obvious Applicant's invention as claimed in claims 47, 48, 51, 52, 59 and 60.

Similarly, the Official Notice asserted by the Examiner cannot be properly interpreted as disclosing all the elements of claim 11, 21 and 57, and therefore, the combination of Huang and the asserted Official Notice cannot render obvious Applicant's invention as claimed in claims 47, 48, 51, 52, 59 and 60.

Accordingly, Applicant respectfully requests the withdrawal of the rejection of claims 47, 48, 51, 52, 59 and 60 under both 35 U.S.C. §§ 102 and 103.

**SUMMARY**

Claims 11-18, 21-32, 36-37, 43-52 and 57-60 are currently pending. In view of the foregoing amendments and remarks, Applicant respectfully submits that the pending claims are in condition for allowance. Applicant respectfully requests reconsideration of the application and allowance of the pending claims.

If the Examiner determines the prompt allowance of these claims could be facilitated by a telephone conference, the Examiner is invited to contact Sue Holloway at (408) 720-8300 x309.

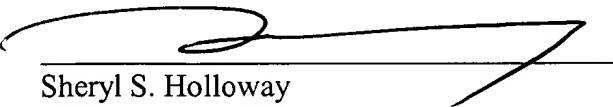
**Deposit Account Authorization**

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due. Furthermore, if an extension is required, then Applicant hereby requests such extension.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR  
& ZAFMAN LLP

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